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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
(HONORABLE JEFFREY T. MILLER)

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE RUBEN NIETO-RESENDIZ,

Defendant.

CASE NO. 07CR3347-JTM

DATE: May 5, 2008

TIME: 9:00 a.m.

NOTICE OF MOTIONS *IN LIMINE* AND
MOTIONS *IN LIMINE*:

- 1) TO EXCLUDE ALL DEPORTATION DOCUMENTS;
- 2) TO PROHIBIT EVIDENCE UNDER FED. R. EVID. 404(B) AND 609;
- 3) TO EXCLUDE WITNESSES (A-FILE CUSTODIAN);
- 4) TO ALLOW ATTORNEY-CONDUCTED VOIR DIRE;
- 5) TO PROHIBIT WITNESSES FROM REFERRING TO MR. NIETO-RESENDIZ AS "THE ALIEN";
- 6) PRODUCE GRAND JURY TRANSCRIPTS;
- 7) TO PRECLUDE EXPERT TESTIMONY; AND
- 8) ALLOW LEAVE TO FILE FURTHER MOTIONS.

TO: KAREN P. HEWITT, UNITED STATES ATTORNEY; AND
DAVID LESHNER, ASSISTANT UNITED STATES ATTORNEY;

PLEASE TAKE NOTICE that on May 5, 2008 at 9:00 a.m., or as soon thereafter as counsel may be heard, the defendant, Jose Ruben Nieto-Resendiz, by and through his attorneys, Shaffy Moeel and Federal Defenders of San Diego, Inc., will ask this Court to enter an order granting the motions *in limine* listed below.

MOTIONS IN LIMINE

Jose Ruben Nieto-Resendiz, the defendant in this case, by and through his attorneys, Shaffy Moeel and Federal Defenders of San Diego, Inc., pursuant to the United States Constitution, the Federal Rules of Criminal Procedure, and all other applicable statutes, case law and local rules, hereby moves this Court for an order to:

1. exclude deportation documents;
2. prohibit evidence under FED. R. EVID. 404(b) and 609 evidence;
3. exclude witnesses (A-file Custodian);
4. allow attorney-conducted *voir dire*;
5. prohibit witnesses from referring to Mr. Nieto-Resendiz as “the alien”
6. produce grand jury transcripts;
7. preclude expert testimony; and
8. to allow leave to file further motions.

These motions are based upon the instant motions and notice of motions *in limine*, the attached statement of facts and memorandum of points and authorities, and any and all other materials that may be adduced at the time of the hearing on these motions.

Respectfully submitted,

Dated: April 28, 2008

/s/ Shaffy Moeel
SHAFFY MOEEL
Federal Defenders of San Diego, Inc.
Attorneys for Mr. Nieto-Resendiz